

REMARKS

Claims 64, 66-69, 71, and 75-86 were pending in the application. Claims 59, 63, 65, 72 have been withdrawn from consideration without prejudice. By this paper, claims 64, 75, and 80 have been amended. Claims 85 and 86 have been cancelled. New claims 87-98 have been added. Claims 64, 66-69, 71, and 75-84 and 87-98 are now pending in the application. Reinstatement of claims 59, 63, 65, and 72 is requested herein. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

Claim Rejections - 35 U.S.C. §102(e)

Claims 64, 66-67, 69, 71, and 80-81 have been rejected as anticipated by Kain, U.S. Patent No. 6,550,862 (Kain). Though not argued herein, Applicants reserve the right to swear behind any properly cited §102(e) reference.

The Office Action alleges that that Kain teaches a base 16 having an object holder 18 including a cavity. The Office Action further states that when the object holder is in the fully retracted storage position, the object holder can be retracted no further into the base, and only a portion of the object holder is within the base such that a first portion of the cavity remains extended from the base and second portion of the cavity is retracted within the base.

Independent claim 64 has been amended to recite that the base has a substantially vertical outer side wall that defines a perimeter of a recess formed in the wall. Notably, the perimeter of the recess is recited in the claim as being sized to receive a portion of the cavity of the object holder. This limitation is supported by, for instance, Fig. 1 of the present application, whereby the recess receives a portion of the cavity of the object holder 300 (notably, though the recess is sized to receive the entire portion of the cavity, a smaller portion is actually received when the object holder 300 is in its retracted position in accordance with the illustrated embodiment). When the object holder is in the fully retracted, storage position, the object holder can be retracted no further into the base, and a portion of the object holder extends beyond the outer side wall of the base and presents a gripping surface configured to be engaged so as to articulate the object holder from the retracted position to the extended position.

Kain fails to teach or suggest all claim limitations of claim 64. For instance, Kain fails to teach a wall that defines a perimeter of a recess, the perimeter being sized to receive a portion of the cavity of the object holder. In particular, Fig. 3 of Kain illustrates a recess 38 formed in a side wall 32 that is sized to receive the neck portion 27 but is deliberately *not sized to receive* the cup receiver 20. Rather, as shown in Fig. 5 of Kain, when the cup receiver 20 is in its fully retracted position, the base of the cup receiver 20 is stopped adjacent the wall 32 that defines the recess 38 (Col. 5, lines 8-9). Kain's recess 38 is thus sized to *prevent* the cup receiver 20 from being received therein.

Moreover, Kain fails to recognize the advantages of sizing the recess as presently claimed, and further fails to teach or suggest modifying the disclosed child seat to arrive at the claimed invention. For instance, one advantage of the present invention is to provide a more compact design that achieved in Kain. Specifically, because the claimed recess is sized to receive the cavity, a greater portion of the object holder is able to be inserted into the recess, thus reducing the space external to the base occupied by the object holder when it is in its retracted position. The claimed recess further provides a simpler child seat design. For instance, the substantial entirety of the object holder extends out from the seat even when in the retracted position, thus occupying more space. Furthermore, Kain discloses the base as including a platform 90 that supports the object holder when in its retracted position, thus increasing the complexity and bulkiness of the child seat. The presently claimed recess enables a child seat that requires no such platform, and that allows only a portion of the object holder to extend outside the seat, thereby reducing the space occupied by the child seat.

Kain further teaches away from the recess sized as recited in claim 64. As noted above, Kain deliberately ensures that the recess 38 is smaller than the vertical cavity so that the wall 32 stops the base of the cup receiver 20 from being further inserted (see Col. 5, lines 8-9). If the Kain's recess 38 were sized as presently claimed, the only structure in Kain that would initially prevent the cup receiver 20 from being over-inserted would be a series of detents that interfere with various engagement notches (see Figs. 5-7). However, the detents are designed to slip out of the engagement notches in response to an applied force (Col. 5, lines 16-62). Accordingly, not only is Kain lacking of any teaching or suggestion to enlarge the recess 32, but if Kain's recess 32 were sized greater than the vertical cavity, the cup receiver 20 could be over-inserted

within the base which would prevent a user from being able to articulate the cup receiver 20 to its extended position.

For at least the reasons above, Kain '862 fails to anticipate independent claim 64. Furthermore, claim 64 provides advantages that are not recognized or attainable by Kain '862, and no teaching or suggestion exists within Kain '862 to modify the disclosed child seat to arrive at the presently claimed invention. Accordingly, claim 64 is patentable over Kain '862, and withdrawal of the rejection of claim 64 is respectfully requested.

To the extent that one may attempt to combine Kain '862 with Kain '509, Applicant notes that the combination would likewise fail to render the present invention obvious under 35 USC §103. Kain '509 teaches a recess that receives the whole portion of the object holder, including the vertical cavity, however Kain '862 teaches away from Kain '509. Furthermore, even if the references were combined, the combination would still not teach or suggest each limitation of claim 64.

Specifically, if Kain's '509 teaching of receiving the entire portion of the cavity in its recess were combined with Kain '862, then there would be no portion of the object holder extending beyond the side wall when the object holder is in its retracted position, and the combination would fail to teach or suggest each limitation of claim 64. Moreover, if one were to attempt to merely replace Kain's '862 recess with Kain's '509 recess, then Kain '862 would be rendered inoperable for its intended purpose. Specifically, as discussed above, an enlarged recess 32 of Kain '862 could result in the cup receiver 20 being over-inserted into the recess.

The only disclosure in the prior art that teaches a workable mechanism that includes a recess large enough to receive the entire object holder is Kain '509, which accomplishes the enlarged recess by providing a door pivots with respect to the base and encapsulates the entire object holder in order to articulate the object holder between its extended and retracted positions. The object holder of Kain '509 is therefore completely enclosed when in its retracted position, and no portion of the object holder in Kain '509 is accessible without first opening the door, contrary to the recitation of claim 64.

Because the cited prior art fails to anticipate claim 64 or render claim 64 obvious, Applicant respectfully requests that the outstanding rejection be withdrawn and that independent claim 64 be allowed.

With respect to dependent claims 66-67, 69, 71, and 80-81, Applicant notes that these claims depend from an allowable base claim 64, thus providing a sufficient basis for the allowance of these claims.

Furthermore, claim 80 has been amended to recite that the object holder further comprises a perimeter that defines the cavity, and that when the object holder is in the fully retracted, storage position, the received part of the cavity perimeter defines an aligned portion that is in vertical alignment with the recess perimeter. Support for this claim limitation can be found in the instant application at, for instance, Fig. 1 which illustrates the object holder in its retracted position (see Paragraph 48). Kain '862 fails to teach or suggest this claim limitation but instead, as discussed above, teaches a recess that is sized smaller than the perimeter of the object holder that defines the cavity. Accordingly, the perimeter defining the cavity in Kain '862 does not, and can not, include a portion that is vertically aligned with the recess. For this additional reason, Applicant respectfully requests withdrawal of the rejection of claim 80.

Claim 81 depends from claim 80, and recites that the substantial entirety of the received part of the perimeter is surrounded by the base. Kain '862 likewise fails to teach or suggest this claim limitation. Not only is a part of the perimeter not received by the recess 38 in Kain '862, Kain '862 fails to provide a recess that surrounds the perimeter. For this additional reason, Applicant respectfully requests withdrawal of the rejection of claim 81.

Claim Rejections - 35 U.S.C. §103

Claims 68, 75-77, and 82-86 have been rejected as being obvious in view of the combination of Kain '862 and Kain '509. Claims 85 and 86 have been cancelled, thereby obviating the rejection as to those claims.

With respect to claim 68, Applicant notes that this claim depends from claim 67 which, in turn, depends from claim 64. Applicant above has shown claims 64 and 67 to be allowable over the cited prior art, thereby providing sufficient basis for the patentability of corresponding dependent claim 68.

With respect to claim 75, Applicant notes that this claim has been amended to recite that each of the object holders include a vertically elongated cavity for receiving and holding an object. Claim 75 defines a base as including a recess sized to receive the cavities. Claim 75

further recites that when in the fully retracted, storage position, a portion of each of the cavities less than an entirety of each of the cavities extends beyond the base so as to be accessible as a gripping surface. The amendments to claim 75 are supported by the present disclosure as illustrated in, for instance, Fig. 1. The exposed portions of the cavities allow the object holder to present a gripping surface by the user to articulate the object holder from the retracted to the extended position while, at the same time, provide the advantages associated with an object holder that only partially extends beyond the base, as discussed above with respect to claim 64.

Even if Kain '862 and Kain '509 were combined in the manner suggested in the Office Action, the combination would fail to teach or suggest each limitation recited in claim 75. For instance, the base recited in claim 75 includes a recess that receives the end portion of the object holder (i.e., that portion of the object holder that defines the cavity). Kain '862 can arguably be applied to claim 75 in two ways.

Under the first interpretation, the base of Kain '862 does not include the platform 90. However, under this interpretation, Kain '862 fails to teach or suggest the claim 75 limitation of "wherein, when in the fully retracted, storage position, each respective object holder can be retracted no further into the base and ... a portion of each of the cavities less than an entirety of each of the cavities extends beyond the base." Specifically, under this interpretation of Kain '862, the entire portion of the cavities extends beyond the base. Applicant believes that such an interpretation would be further erroneous because, as specifically stated in Kain '862, *the base 16 includes the platform 90* (see Col. 4, line 10). Furthermore, claim 75 explicitly defines the base as including a recess sized to receive the cavities. Likewise, as discussed above, Kain '509 fails to teach or suggest an object holder that, when in the retracted position, has a portion of its vertically elongated cavity extending from the base as recited in claim 75. Rather, as illustrated in Fig. 1 of Kain '509, the object holder is enclosed by the door that receives the object holder.

Under the second interpretation, Kain '862 is interpreted as having a base that includes the platform 90. However, under this interpretation, Kain '862 fails to meet the claim 75 limitation that a portion of the cavities extends out from the base when in the fully retracted position. As clearly illustrated in Fig. 5 of Kain '862, no portion of the object holder 20 extends out from the platform 90 which, under this interpretation, forms part of the base. Likewise, as

discussed above, Kain '509 fails to teach or suggest an object holder that, when in the retracted position, has a portion of its vertically elongated cavity extending from the base as recited in claim 75. Accordingly, even when combining the cited prior art in the manner suggested in the Office Action, the combination fails to teach or suggest the presently claimed invention recited in claim 75.

Moreover, as discussed above with reference to claim 64, Kain '509 and Kain '862 are not properly combinable references because Kain '862 teaches away from Kain '509, and that incorporating the teachings of Kain '509 into Kain '862 would render the apparatus disclosed in Kain '862 inoperable for its intended purpose.

Applicant therefore asserts that claim 75 is patentable over the cited prior art, and that corresponding dependent claims 76-77 and 82-86 are likewise patentable as depending from an allowable base claim. Withdrawal of the rejection of claims 68, 75-77, and 82-86 is therefore respectfully requested.

Claims 78-79

Claims 78-79 are identified on the Office Action Summary as being rejected, however Applicant was not able to find any substantive rejection of these claims in the body of the Office Action. Applicant notes that claims 78-79 depend from base claims (75 and 64) that have been shown above to be allowable over the cited prior art. Formal allowance of claims 78-79 is therefore respectfully requested.

Withdrawn Claims

In Applicant's previous correspondence dated November 20, 2006, Applicant asserted that withdrawn claims 59, 63, 65, and 72 should be reinstated in the application. The presently outstanding Office Action, however, only addresses claim 59, and is silent with respect to claim 63, 65, and 72.

With respect to withdrawn claim 65, Applicant notes that claim 65 depends from an allowable base claim 64 and should be reinstated and allowed.

Withdrawn claims 63 and 72 each recite a “pivotal” object holder, but also recite similar retracted cavity limitations discussed above. These claims are allowable in view of the allowable amended claims herein, which are generic to whether the cup holder pivots or slides. Thus, Applicant respectfully asserts that claims 63, 65, and 72 should all be properly reinstated in the application.

Furthermore, while the outstanding Office Action characterizes claim 59 as reciting withdrawn subject matter, Applicant respectfully asserts that the allowable claims are generic as to whether the object holder is slidable or pivotable. Accordingly, claim 59 should be reinstated and allowed over the cited prior art.

New Claims

Applicant has added new claims 87-98 to the application. Claims 87-90 depend, either directly or indirectly, from claim 64. New independent claim 91 has been added along with corresponding dependent claims 92-94. New independent claim 95 has been added along with corresponding dependent claims 96-98.

Claim 87 depends from claim 80, and recites that the portion of the cavity perimeter defines that is in vertical alignment with the recess perimeter is also surrounded by the recess perimeter. None of the cited prior art, either alone or in combination, teaches or suggests an object holder that, in a retracted position, extends into a recess formed in an outer side wall, has a portion extending beyond the side wall, and has a portion of a perimeter that defines the object holder cavity that is aligned with and surrounded by the perimeter of the recess.

Claim 88 depends from claim 64 and recites that when the object holder is in the fully retracted position, a portion of the cavity is in vertical alignment with the cavity perimeter. None of the cited prior art, either alone or in combination, teaches or suggests an object holder that, in a retracted position, extends into a recess formed in an outer side wall, has a portion extending beyond the side wall, and has a portion of its cavity in vertical alignment with the recess perimeter.

Claim 89 depends from claim 88, and recites that the aligned portion of the cavity is surrounded by the recess perimeter. None of the cited prior art, either alone or in combination,

teaches or suggests an object holder that, in a retracted position, extends into a recess formed in an outer side wall, has a portion extending beyond the side wall, and has a portion of its cavity in vertical alignment with the recess perimeter, wherein the aligned portion of the cavity is surrounded by the recess perimeter.

Claim 90 depends from claim 64 and recites that when the object holder is in the fully retracted, storage position, a portion of the cavity is received within the recess. None of the cited prior art, either alone or in combination, teaches or suggests an object holder that, in a retracted position, has a portion of a cavity received within a recess formed in an outer side wall.

New independent claim 91 recites a child seat similar to that of claim 64, but including first and second object holders each associated with first and second side walls. Each side wall has a recess, and each object holder is attached to the base and extends into the corresponding recess that is sized to receive the vertically elongated cavity of the object holder. Each object holder is movable between an extended and a retracted position. When in the retracted position, a portion of each object holder extends beyond the outer side wall and presents a gripping surface configured to be engaged so as to articulate the object holder from the fully retracted position to the extended position.

As discussed above with respect to claim 64, none of the cited prior art, either alone or in combination, teaches or suggests each limitation of independent claim 64. For instance, Kain '862 fails to teach or suggest a pair of object holders, and furthermore fails to teach or suggest a recess formed in a side wall that is sized to receive the vertically elongated cavity of the object holder. While Kain '509 teaches a pair of object holders and a cavity sized to receive the vertically elongated cavity of the object holder, Kain '509 fails to teach a retracted position whereby a portion of the object holder extends beyond the side wall and presents a gripping surface. Furthermore, even if the references are combined in a manner consistent with their teachings, the combination would not teach or suggest the presently claimed invention.

Specifically, Kain '509 teaches that a recess can be formed in the side wall, but that in order for the recess to accommodate the vertical cavity of the object holder, the entire object holder is disposed in the recess when the object holder is in its retracted position. There is no teaching or suggestion within either reference to provide the cavity of Kain '509 while, at the

same time, providing a retracted position whereby a portion of the object holder extends beyond the side wall. In fact, Kain '862 specifically teaches a recess sized smaller than the vertical cavity of the object holder so that the wall 32 provides a "stop" for the object holder 20. If the recess of Kain '509 were incorporated into Kain '862, a user would be able to depress the object holder 20 entirely into the base of the child seat.

Claims 92-94 all depend, directly or indirectly, from claim 91, and recite that a portion of the cavity is in vertical alignment with the recess perimeter. With respect to claim 92, Kain '862 teaches a recess perimeter that is smaller than the cavity and, as such, teaches away from the cavity being in vertical alignment with the recess perimeter when the object holder is in the fully retracted position. With respect to claim 93, Kain '862 likewise teaches away from the recess perimeter surrounding a portion of the cavity. With respect to claim 94, Kain '862 teaches away from a portion of the cavity being received within the recess. Granted Kain '509 teaches receiving the entire portion of the cavity in its recess, however if this teaching were combined with Kain '862, then there would be no portion of the object holder extending beyond the side wall when the object holder is in its retracted position. Furthermore, if Kain '862 and Kain '509 were so combined, the size of the recess in Kain '509 would render Kain '862 inoperable for its intended purpose.

New independent claim 95 is similar to claim 64, but recites that the base has a recess extending into the base. The recess is defined by an enclosed perimeter. The recess perimeter is claimed as being sized to receive a portion of a vertically elongated cavity of the object holder. When the object holder is in the fully retracted, storage position, the object holder can be retracted no further into the base, and a portion of the object holder extends beyond the recess.

For reasons discussed above with respect to claim 64, neither cited prior art reference, either alone or in combination, teaches or suggests each limitation of claim 95. Claims 96-98 depend from claim 95 which has been shown to be allowable over the cited prior art. Furthermore, claims 96-98 present claim limitations similar to those of claim 92-94 which, as discussed above, present claim limitations that are not taught or suggested in the prior art. Accordingly, formal allowance of claims 95-98 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the applicants respectfully request reconsideration and withdrawal of the claim rejections and allowance of the pending claims. The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

A check payable to the Commissioner of Patents in the amount of \$600 is enclosed for the addition of eight claims beyond twenty, and one independent claim beyond three. The Commissioner is hereby authorized to withdraw any additional fees due for the filing of this Response or any other communication from Deposit Account No. 50-3866.

Respectfully submitted,

A handwritten signature in cursive script that reads "Adam J. Forman". The signature is written in dark ink and is positioned above a horizontal line.

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